

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RAMON ALVARADO JR.,

Plaintiff,

v.

Case No. 23-CV-165

JOHN BIRDYSHAW, *et al.*,

Defendants.

ORDER

Plaintiff Ramon Alvarado Jr., who is representing himself and is incarcerated at Waupun Correctional Institution, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 along with a motion for leave to proceed without prepayment of the filing fee. (ECF Nos. 1, 2.) On February 9, 2023, the court ordered Alvarado to pay the initial partial filing fee of \$ 0.80 on or before March 13, 2023. (ECF No. 5.) The court also informed Alvarado that if he did not either pay the initial partial filing fee or explain why he could not pay it by the stated deadline, the court would dismiss the case without prejudice. (*Id.* at 3.)

The March 13, 2023, deadline has passed. Alvarado has not paid the initial partial filing fee. Accordingly, the court will dismiss this case without prejudice.

IT IS THEREFORE ORDERED that this case is **DISMISSED without prejudice** because Alvarado has failed to pay the initial partial filing fee. The court

will enter judgment accordingly. Alvarado may submit the initial partial filing fee and move to have the case reopened within 30 days of the entry of this order. Because the dismissal is without prejudice, Alvarado may refile his complaint at a later date, subject to the relevant statute of limitations.

IT IS FURTHER ORDERED that, pursuant to 28 U.S.C. §1915(b)(1), Alvarado must pay the \$350 statutory filing fee. Accordingly, the agency having custody of Alvarado shall collect from his institution trust account the \$350 statutory filing fee by collecting monthly payments from Alvarado's prison trust account in an amount equal to 20% of the preceding month's income credited to the prisoner's trust account and forwarding payments to the Clerk of Court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. §1915(b)(2). The payments shall be clearly identified by the case name and number assigned to this action. If Alvarado is transferred to another institution, the transferring institution shall forward a copy of this Order along with Alvarado's remaining balance to the receiving institution.

IT IS FURTHER ORDERED that copies of this order be sent to the officer in charge of the agency where Alvarado is located.

Dated at Milwaukee, Wisconsin this 20th day of March, 2023.

BY THE COURT:



NANCY JOSEPH
United States Magistrate Judge